



**Certificate of Service**

I certify that on June 26, 2024, I served a true and correct copy of Plaintiff's First Set of Combined Discovery Requests on Defendant White Road Capital, LLC dba GFE Holdings counsel of record Shanna Kaminski via email to [skaminski@kaminskilawpllc.com](mailto:skaminski@kaminskilawpllc.com).

/s/ Brandon Callier

**Brandon Callier**

Plaintiff, Pro Se

1490A George Dieter Drive

#174

El Paso, TX 79936

915-383-4604

## INSTRUCTIONS

1. For a Document that no longer exists or cannot be located, identify the Document, state how and when it was lost, or when it could no longer be located, and the reasons for the loss. Identify each person having knowledge about the disposition or loss of the Document and any other Document evidencing the lost Document or any facts about it.

a. When identifying the Document, state the following:

- 1) The nature of the Document (*e.g.*, letter, handwritten note).
- 2) The title or heading on the Document.
- 3) The date of the Document and the date of each addendum or supplement.
- 4) The identity of the Document's author and signatory and the person on

whose behalf or at whose request or direction the Document was prepared or delivered.

b. When identifying the person, state the following:

- 1) Their full name.
- 2) Their present or last known residential address and telephone number.
- 3) Their present or last known office address and office telephone number.
- 4) Their present occupation, job title, employer, and employer's address.

2. The term "any" should be understood in its most or least inclusive sense as necessary to bring within the scope of discovery request all responses that might otherwise be construed to be outside of the scope.

3. The connectives “and” and “or” should be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

4. Where a specific Document is requested, such request shall not be interpreted to exclude any other Documents where it is known that such other Documents contain information relevant to the request.

5. For each Document or other requested information that you assert is privileged or is not discoverable, identify that Document or other requested information and state the specific grounds for the claim of privilege or other ground for exclusion.

6. Produce the requested Documents as they are kept in the ordinary course of business. All documents shall be Bates labeled and shall be produced electronically in a single page Group IV TIFF format (except that Microsoft Excel files shall be produced in native format), with load files containing, for each document, extracted searchable text and all available metadata for at least the following fields:

<b><u>Metadata</u></b>	<b><u>Description</u></b>
Document Date	The date of the document.
Date Sent	The date on which an email file was sent.
Date Received	The date on which an email file was received.
Date Created	The date an electronic file was created as recorded by the operating system
Date Last Modified	The date an electronic file was last modified as recorded by the operating system
Document Type	The type of document (e.g., email, Microsoft Word 2000, Microsoft Excel, etc.).
File Name	The name of the file under which the document is saved.
File Extension	The extension of each electronic file (e.g. .doc, .xls)
Author Name	The creator of a document.

<b><u>Metadata</u></b>	<b><u>Description</u></b>
From	For emails, the sender of the document.
To	For emails, the recipient(s) of a document.
CC	For emails, the person(s) who received copies of a document.
BCC	For emails, the person(s) who received blind copies of a document.
Custodian	The name of the individual or source from which the document was collected.
Beg Bates	The beginning Bates number of the document
End Bates	The last Bates number of the document
Family ID	A unique number consistently populated for every member of a given family group, including the parent.
Email Subject	The subject of an email file.
Time Sent	The time an email was sent.
Time Received	The time an email was received.
Original File Path	The original location an electronic file was collected from. For email, this will indicate the original folder(s) in the user's mail account from which the email was collected.
Duplicate Custodians	A list of the custodians or sources that were owners of a duplicate copy of an electronic file.
Duplicate File Path	The original file path for each duplicate.
Native Path	The relative location of any native files delivered on production media.
Text Path	The relative location of all extracted/OCR text files delivered on production media.

7. These requests are continuing. So if the Document described in any request is not

in existence or in your control or possession at the time of your first response, but later comes into existence or into your control or possession, immediately produce such Document.

8. In answering GFE's First Set of Interrogatories, provide an affidavit or declaration under penalty of perjury verifying your answers in accordance with the Federal Rule of Civil Procedure 33(b)(3).

9. Unless otherwise specifically stated, the relevant time period for the responses is from **January 1, 2022, to the present.**

## DEFINITIONS<sup>1</sup>

1. **“Backup”** means a copy of active data, intended for use in restoration of data.
2. **“GFE”** means Defendant White Road Capital, LLC, GFE, Defendant, or you.
3. **“Callier”** means Brandon Callier or Plaintiff.
4. **“Communication”** means spoken, written, or electronic transmission of information or request for information, including, without limitations, conversations, telephone calls, meetings, discussions, conferences, seminars, letters, memoranda, facsimiles, telecopies, telexes, emails, and online postings.
5. **“Complaint”** means the live pleading and includes the Original Complaint filed on May 1, 2023, in the lawsuit.
6. **“Computer”** includes, without limitations, network servers, desktops, laptops, notebook computers, mainframes, personal digital assistants such as PalmPilot, Cassiopeia, HP Jornada and other such handheld computing devices, digital cell phones, and pagers.
7. **“Data”** means any and all information stored on media that may be accessed by a computer.
8. **“Document,”** whether singular or plural, includes without limitations:
  - any electronically stored data on magnetic or optical storage media as an “active” file or files (readily readable by one or more computer applications or forensic software);
  - any “deleted” but recoverable electronic files on said media;
  - any electronic file fragments (files that have been deleted and partially overwritten with new data); and

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<sup>1</sup> The singular of all definitions and terms includes the plural of such definitions and terms whenever such a change would result in any additional information responsive to a request.



- slack (data fragments stored randomly from random access memory on a hard drive during the normal operation of a computer [RAM slack] or residual data left on the hard drive after new data has overwritten some but not all of previously stored data).

9. **“Electronically Stored Information,”** or **“ESI”** means any Document and information electronically stored on backup systems, servers, drives, or tapes.

10. **“Hard drive”** means the primary hardware that a computer uses to store information, typically magnetized media on rotating disks.

11. **“Lawsuit”** means *Brandon Callier v White Road Capital, LLC dba GFE Holdings.*, Cause No. **3:23-cv-00177-KC**; In the United States District Court for the Western District of Texas, El Paso Division.

12. **“Magnetic or optical storage media”** includes, without limitations, hard drives, also known as hard disks, backup tapes, CD-ROMs, DVD-ROMs, JAZ and Zip drives, and floppy disks.

13. **“Network”** means a group of connected computers that allows people to share information and equipment (e.g., local area network [LAN], wide area network [WAN], metropolitan area network [MAN], storage area network [SAN], peer-to-peer network, and client-server network).

14. **“Network operating system”** means software that directs the overall activity of networked computers.

15. **“Operating system”** means software that directs the overall activity of a computer (e.g., MS-DOS, Windows, Linux).

16. **“Person”** is used in its broadest sense and means any individual, firm, corporation, partnership, joint venture, governmental agency or any other form of entity,

together with any officers, directors, partners, trustees, employees, representatives, or agents thereof.

17. **“Defendant”** means White Road Capital, LLC, GFE Holdings, GFE, or you.

18. **“Possession, “custody” or “control”** means physical possession of the Document or thing or right to possession equal or superior to that of the person who has physical possession of the Document or thing.

19. **“Related to,” “relating to,” “referring to,” “reflecting,” “concerning” or “evidencing”** are used in their broadest sense, and mean anything that, directly or indirectly, generally or specifically, regards, relates to, refers to, concerns, contains, constitutes, contradicts, evidences, embodies, compromises, reflects, mentions, identifies, states, deals with, comments on, responds to, describes, analyzes or is in anyway, directly or indirectly, relevant to the subject.

20. **“Software”** means any set of instructions stored on computer-readable media that tells a computer what to do and includes operating systems and applications.

21. **“Storage Media”** means any removable devices that store data.

22. **“You”** means White Road Capital, LLC, GFE Holdings, GFE, or Defendant.

23. **“My phone number”** means the phone number on which I alleged GFE placed calls to through authorized representatives which is numerically represented as 915-383-4604.

### **First Set of Interrogatories**

**Interrogatory No. 1:** Identify the last date GFE accepted a referral from Myfaz Consulting, LLC dba ATM Funded (“Myfaz”). Referral acceptance is defined as reviewing a credit application, a merchant cash advance (“MCA”) application, or an application for the purchase and sale of future receivables, whether the application was approved or not.

**Answer:**

**Interrogatory No. 2:** Identify the last date GFE accepted a referral from Pearl Delta Funding, LLC. Referral acceptance is defined as reviewing a credit application, a merchant cash advance application, or an application for the purchase and sale of future receivables, whether the application was approved or not.

**Answer:**

**Interrogatory No. 3:** Identify the last date GFE issued a line of credit, issued an MCA loan, or purchased future receivables from/to a merchant that was referred by Myfaz Consulting LLC dba ATM Funded.

**Answer:**

**Interrogatory No. 4:** Identify the last date GFE issued a line of credit, issued an MCA loan, or purchased future receivables from/to a merchant that was referred by Pearl Delta Funding, LLC.

**Answer:**

**Interrogatory No. 5:** State what steps GFE has taken to ensure Telephone Consumer Protection Act compliance on the part of Myfaz Consulting, LLC dba ATM Funded.

**Answer:**

**Interrogatory No. 6:** State what steps GFE has taken to ensure Telephone Consumer Protection Act compliance on the part of Pearl Delta Funding, LLC.

**Answer:**

**Interrogatory No. 7:** State the total number and dollar value of all the MCA loans, lines of credit, and purchases of future receivables that were the result of a referral made by Myfaz Consulting LLC dba ATM Funded from April 1, 2023, to February 14, 2024.

**Answer:**

**Interrogatory No. 8:** State the total number and dollar value of all the MCA loans, lines of credit, and purchases of future receivables that were the result of a referral made by Pearl Delta Funding, LLC from April 1, 2023, to February 14, 2024.

**Answer:**

**Interrogatory No. 9:** State whether GFE has a current active contract with Myfaz Consulting LLC dba ATM Funded.

**Answer:**

**Interrogatory No. 10:** If GFE no longer has a current active contract with Myfaz Consulting LLC dba ATM Funded, state when, and under what circumstances the contract was terminated.

**Answer:**

**Interrogatory No. 11:** State whether GFE has a current active contract with Pearl Delta Funding, LLC.

**Answer:**

**Interrogatory No. 12:** If GFE no longer has a current active contract with Pearl Delta Funding, LLC state when, and under what circumstances the contract was terminated.

**Answer:**

**Interrogatory No. 13:** State name, title, and email address of the person responsible for TCPA compliance training for GFE.

**Answer:**

**Interrogatory No. 14:** State the last date GFE conducted TCPA compliance training.

**Answer:**

**Interrogatory No. 15:** State the last date(s) GFE paid referral fees to Myfaz Consulting LLC dba ATM Funded and/or Pearl Delta Funding, LLC.

**Answer:**

**First Set of Requests for Admission**

**Admission No. 1:** Admit GFE continued to accept referrals from Myfaz Consulting LLC dba ATM Funded after April 1, 2023.

**Response:**

**Admission No. 2:** Admit GFE continued to accept referrals from Pearl Delta Funding, LLC after April 1, 2023.

**Response:**

**Admission No. 3:** Admit GFE has not taken steps to ensure TCPA compliance on the part of Myfaz Consulting LLC dba ATM Funded.

**Response:**

**Admission No. 4:** Admit GFE has not taken steps to ensure TCPA compliance on the part of Pearl Delta Funding, LLC.

**Response:**

**Admission No. 5:** Admit GFE did not have an established business relationship with Plaintiff prior to March 30, 2022.

**Response:**

**Admission No. 6:** Admit GFE is vicariously liable to Plaintiff for Telephone Consumer Protection Act violations.

**Response:**

**Admission No. 7:** Admit to all factual allegations in Plaintiff's Original Complaint.

**Response:**

**Admission No. 8:** Admit this Court has jurisdiction over White Road Capital, LLC.

**Response:**

**Admission No. 9:** Admit White Road Capital, LLC is liable to Plaintiff for treble damages.

**Response:**

**Admission No. 10:** Admit Plaintiff has Article III standing.

**Response:**

**Admission No 11:** Admit Plaintiff made a Do Not Call request to Defendant on March 18, 2022.

**Response:**

**Admission No. 12:** Admit each phone call after March 18, 2022, is a knowing and willful violation of the TCPA subject to treble damages.

**Response:**

**Admission No. 13:** Admit White Road Capital, LLC is not registered to telephone solicit in Texas.

**Response:**

**Admission No. 14:** Admit White Road Capital, LLC is in violation of Texas Business and Commerce Code § 302.101.

**Response:**

**Admission No. 15:** Admit White Road Capital, LLC is liable to Plaintiff for \$5,000 per phone call under Texas Business and Commerce Code § 302.101.

**Response:**

**Admission No. 16:** Admit GFE issues merchant cash advances to consumers and/or businesses. Note merchant cash advances include the purchase of future receivables from merchants.

**Response:**

**Admission No. 17:** Admit GFE sent Plaintiff a contract offering to purchase future receivables from Plaintiff.

**Response:**

**Admission No. 18:** Admit GFE is not a regulated lender in Texas.

**Response:**

**Admission No. 19:** Admit GFE does not hold a lending license in the state of Texas.

**Response:**

**Admission No. 20:** Admit GFE is a “seller” of merchant cash advance purchases and/or the purchase of future receivables.

**Response:**

### **First Set of Requests for Production**

**Request for Production No. 1:** Produce a copy of each of the contracts between GFE and Myfaz Consulting LLC dba ATM Funded and GFE and Pearl Delta Funding, LLC.

**Response:**

**Request for Production No. 2:** Produce a copy of the curriculum from the last TCPA compliance training conducted by GFE.

**Response:**

**Request for Production No. 3:** Produce a copy of the attendance roster of GFE's last TCPA compliance training.

**Response:**

**Request for Production No. 4:** Produce a copy of all outbound call and text records to phone number 915-383-4604 from January 1, 2022, to present.

**Response:**

**Request for Production No. 4:** Produce a copy of GFES's Telephone solicitation registration as required under Texas Business and Commerce Code § 302.101.

**Response:**